

INDIANA LEGISLATURE.

[Omissions and curtailments of this report for want of space in these columns will appear in an appendix to Volume XXII of the *Legislative Reports*.]

IN SENATE.

WEDNESDAY, March 4, 1885.
TIME OF CLOSING SALOONS.
Mr. BAILEY's bill (S. 136) to fix the time of closing saloons in Indianapolis and Evansville at 12 o'clock midnight—

Mr. RAHM: It leaves the laws in the other parts of the State as they are, except at Indianapolis and Evansville. These two cities are metropolitan cities; trains arrive at all hours of the day and night; these cities are under the Metropolitan Police system. It would be no hardship upon other sections of the country. This would leave election laws as they are.

Mr. FOWLER: I doubt very much whether such legislation is demanded by either of the citizens of Indianapolis or Evansville. Whilst there may be a very strong element in favor of such legislation, there is a strong element against it. I can't see the propriety of extending the hour at which the saloons in Indianapolis and Evansville close up. If he is a railroad man, instead of going to a saloon, he had better go to a hotel. There is no reason why a law should apply to Indianapolis and Evansville, and not to the rest of the State. I move to lay the bill, with all the amendments, on the table.

The motion was agreed to by yeas 27, nays 17.

Mr. THOMPSON, explaining his vote, said: One reason alleged was that many times passengers come in late when most of the hotels are shut up, and many of the saloons have restaurants, and it is very convenient for the passengers to go to the saloons and get something to eat. I therefore vote no.

Mr. WEIR, when his name was called, said: I think a man ought to have all he wants to eat and drink.

BRIEFER REPORTS.

On motion of Mr. WIER the bill (S. 336) to pay for Brevier Legislative Reports heretofore ordered and authorized by the State was read the second time and ordered engrossed for the third reading.

INDIANA LEGION SOLDIERS.

On motion of Mr. Howard the constitutional rules were suspended and the bill (S. 323) relating to the payment of soldiers in the Indiana Legion, was read the second and third time.

Mr. HILL: This bill provides for pay certain officers and soldiers for services rendered in the militia in 1862 on the call of Governor Morton. There was a bill passed in 1867 to pay these troops, but the Captain of this company was in Alabama at that time. There was a provision to cut off the pay of all persons whose pay-rolls were not put in at that time, and on the 1st of January, 1868, the pay-rolls could not be put in. I think there is nothing wrong in the matter. I hope the bill will pass. These soldiers have been kept out of pay for a long time. There is some \$16,000 in the State Treasury now for the payment of these soldiers, and I think it is more than right that it should pass. In 1867 there was \$30,000 appropriated to pay these soldiers.

Mr. MARSHALL: I want to make this statement: The Captain was away and he was written to come home and make out his muster-roll and go to the Legislature and have his claim allowed. He came, but he came too late to get their pay at that Legislature. The Captain says he has felt embarrassed ever since from the fact that the men say to him that he had done his duty. I would have had the bill passed.

The bill passed by yeas 35, nays 0.

PUBLIC LIBRARIES.

On motion of Mr. FOWLER the constitutional rules were suspended, and the bill (S. 91) to amend the Public Libraries act, which was read the second and third time and passed by yeas 35, nays 0.

CLAIMS AGAINST THE STATE.

On motion of Mr. CAMPBELL the bill (S. 341) to authorize the State to be sued, was read the third time and passed by yeas 30, nays 13.

The Senate then took a recess until 3 o'clock.

AFTERNOON SESSION.

Mr. DRAKE offered a concurrent resolution of thanks to Congress for placing General Grant on the retired list to-day.

It was adopted.

CLAIMS.

Mr. Weir offered a resolution to pay rent claims, declaring it a privileged question.

Mr. MAGEE raised the point of order that it was not a question of privilege, and inquired on the regular order.

The Lieutenant Governor decided that it was a question of privilege, stating that whenever a deliberative body contracts a debt to pay it should always be considered a question of privilege in the highest sense. The resolution was adopted.

COURTS' TERMS IN THE THIRTY-FIFTH CIRCUIT.

On motion of Mr. WEIR the constitutional rules were suspended and the bill (S. 79) for holding Circuit Courts in the thirty-fifth Judicial Circuit, was read the third time and passed by yeas 36, nays 0.

The bill (H. R. 72) in relation to the duties of the Supreme Court Clerk coming up—

Mr. SMITH, of Jennings, offered an amendment that the Clerk of the Supreme Court be not required to keep for public inspection a record of his receipts.

The amendment was rejected.

Mr. SMITH, of Jennings, made an ineffectual motion to strike out the enacting clause by yeas 13, nays 25.

Mr. MACY moved to substitute the minority report for the majority report.

Mr. HILLIGASS: There never was a more vicious bill introduced into a Legislature. It opens the office of Clerk of the Supreme Court to ferrets, who may go and examine the books and then travel over the State and secure old claims. Let this bill be amended so as to give to the Clerk the custody of that record. I hope the bill will not pass.

Mr. SMITH, of Jennings: We had this matter under consideration once before (see page 156). It was the sense of the Senate not to allow the bill to pass. I am satisfied that the bill originated in the same place as the other bill. I have not the least objection that the unclaimed fees shall go where they belong. I object to the words "keeping a register of all fees, including his own." If the words "including his own" are stricken out, I see no very great objection to the bill. As the bill now stands it would require the Clerk of the Supreme Court to employ at least one clerk, and possibly two, to make and furnish the record. If he keeps a private record for his own convenience he ought not to be compelled to show them to the public. I move to strike out the words, "including his own."

Mr. MACY: The effect of this bill will be to require the Clerk of the Supreme Court to keep a register of all fees received, including his own. The principle difference between this bill and Senate bill is that it does not require the Clerk to give a bond. I ask a fair consideration of this bill.

Mr. MCINTOSH: I see that the majority report was adopted on February 18.

Mr. FOWLER: The Senator from Jen-

nings gave no reasons why the bill should not pass. There is no valid reason why the fees of the Supreme Court Reporter as well as attorneys, who publish either should not be kept open to the public.

Mr. SELLERS moved to recommit the bill to the same committee that the Senate bill was reported to.

The motion was rejected by yeas 20, nays 21.

The amendment (Mr. Smith's, of Jennings) was rejected.

The motion to substitute the majority for the minority report was adopted.

On motion of Mr. YOUNG the amendment was ordered engrossed.

AN APPELLATE COURT.

On motion by Mr. MAGEE the bill (S. 45—see pages 175, 207) being the nine Judge Appellate Court, which heretofore failed to pass—yeas 21, nays 21—was taken up for another vote on its passage.

Mr. MAGEE moved to take the bill up and put it upon its passage for the reason that it had failed for want of a constitutional majority, whereupon—

Mr. SMITH, of Jennings, said: Mr. President, I rise to a question of order. It is this. The bill when voted upon only received 21 yeas, as against 21 yeas in the negative. The vote being a tie the bill was lost; not because it failed for want of a constitutional majority, but because it received a minority of all the votes cast. In other words, when a vote is tie the proposition is lost. That being true the bill can not again be taken up.

The CHAIR: I confess I am not able to decide the question correctly, and I therefore submit it to the decision of the older Senators, who ought to be consulted.

Mr. MAGEE and Mr. FOWLER held the question of order not well taken, and it was so ordered.

The bill was then passed by yeas 27, nays 10.

Mr. SMITH, of Jennings, changed his vote and voted for the bill for the purpose of moving a reconsideration.

Upon the vote being announced as above—

Mr. SMITH, of Jennings, moved to reconsider the vote just taken. He said: When this bill was defeated by a tie vote it ceased to be a living thing. There was no power that could revive it into life or give it a legal entity in this body, except that it could be again introduced and read three times on three several days, as is required of any other bill. But under the circumstances this bill has not received a constitutional consideration here, and consequently has not been legally passed, and the whole matter ought to be reconsidered. We ought not to take up a dead measure and breathe new life into it, without letting it take its constitutional course. [Here the Senator read from the rules of the United States House of Representatives sustaining the point of order.]

The motion to reconsider the vote by which the bill had passed was rejected by yeas—nays—

NOTARY REIMBURSING ACT.

On motion of Mr. WEIR the constitutional rules were suspended by a yeas and nays vote, and the bill (S. 321) to legalize the acts of notaries public whose commissions had expired was read a third time and passed by yeas 38, nays 2.

On motion of Mr. FOWLER the constitutional rules were suspended and the bill (H. R. 147) providing for the relief of Theophilus Hangu was read the third time and passed by yeas 39, nays 0.

SUPREME COURT REPORTS.

Mr. WEIR moved to make the bills that were a special order for this evening a special order to-morrow at 10 o'clock.

Mr. YOUNG moved to substitute S. 94, concerning the cost of Supreme Court reports.

Mr. YOUNG: This is a bill that affects the office of the Supreme Court Reporter. It has been reported back from a special committee with a recommendation that the price of the Supreme Court Reporter be hereafter fixed at \$2.75 instead of \$3.50 which is the price at the present time. I hope the matter is of sufficient importance that it will be taken up and acted upon.

We learn that there is an edition of 1,200 copies of each report sold by the Reporter. We also learn that the cost of publishing the reports of the Supreme Court, including printing, binding, etc., does not exceed \$1.50 per copy. That was the highest estimate put upon it so that it leaves the Reporter a clear net profit of \$2; and at this rate his salary of \$10,000 of the reports would be something more than \$21,000. Here is an officer getting more than the Governor, and more than the Judge of the Supreme Court. The bill that I am seeking to have made a special order, reduces the price of the reports to \$2.75; that will still leave the Reporter a profit of \$1.25 on each one and that would still leave him something over \$18,000 a year profit on these reports. And if, as has been said, there are only six volumes gotten out, it would still leave the Reporter a profit of \$9,000 a year. I think a bill that will regulate the price of these reports is a bill of great importance. The reports of the surrounding States do not cost to exceed \$2.75 a volume, and they run down to \$1.10.

On motion of Mr. SELLERS the bill along with several others was made a special order for to-morrow morning at 10 o'clock.

CLAIM OF PATRICK KEELAND.

Mr. THOMPSON moved to suspend the constitutional rules and take up his bill (S. 75) to pay Patrick Keeland for a swamp land ditching claim, read the bill the third time and put it upon its passage.

Mr. THOMPSON: This is an honest claim and one that ought to be paid. It is the only one of these swamp land claims that has not been paid. I do hope that the Senate will do justice to an honest man. This is one of the most distressing claims. I person is an old man who paid one thousand dollars in getting a \$400 claim.

Mr. MCINTOSH: There is nothing in the claim that shows how the claimant became the owner of the claim. There are not enough facts here to warrant the passing of this bill to engrossment. All the information we get in regard to the claim is from the claimant. He tells us there has been an assignment of the claim to this claimant. I doubt, and for that reason I will vote against the bill.

Mr. WEIR: At the time the claim came before the committee we were satisfied that it was proper, and I have no doubt as to the justice of the claim. The only question was in the ownership of the claim and we were satisfied on that point.

Mr. FOWLER: I don't know anything about this claim, but in view of the fact that it has been recommended by the committee and Mr. Thompson, and in view of the fact that the papers laid before the committee show that the claim is a valid one, and if the claim is a valid one, it is a claim that should be paid. I vote for the bill.

Mr. SMITH, of Jennings: I have talked to Mr. Byrnes, ex-Speaker of the House, who knew of similar claims that passed the last Legislature, and also to General Manson, who investigated this claim, and said it was just and ought to be paid. The man who presented the claim of a poor old man did so as a matter of accommodation.

The constitutional rule was suspended and the bill passed by yeas 26, nays 11.

CLAIM OF L. L. CULDER.

On motion of Mr. SCHLOSS his bill (S. 104) for the relief of Lewis L. Culder was read and seconded, the constitutional rule

was suspended, the bill read a third time and passed by yeas 37, nays 1.

The Senate adjourned until 9:30.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 4, 1885.

PRISON COMMITTEE EXPENSES.

Mr. CRECELIOUS, from the Committee on Mileage and Accounts, reported back the claims of the Committee on Prisons for \$20 each for expenses, recommending that it be allowed.

Mr. ELEY moved to lay the report on the table.

The motion was rejected.

The report of the committee was not considered in yeas, 26; nays, 40.

Pending the roll-call—

Mr. BARNES, explaining his vote, said that he should vote "no" because he had asked a member of the committee what they had expended, and he said nothing.

Mr. BROWNING: Because the members of the committee were at no expense, and were junketing, while we were here at work, I vote "no."

Mr. DEEM: Because it cost them nothing, I vote "no."

Mr. FRENCH: I understand that none of this money is asked for by members who visited the Northern Prison, but only from visitors to the Southern Prison. Inasmuch as this committee reported more fun and no expense on the visit, I think that the claim is an outrage and should not be allowed. Such a thing should never be brought up in this body. I vote "no."

Mr. GOODING: We must presume a man guilty until proven guilty. I don't know that these members had free passes. They should not have. We suppose they paid railway fare and table bills. I vote "aye."

Mr. GORDON: I am not aware that these men received any expense. I vote "no."

Mr. HOBAN: I do not want to go into any presumption that they had railway passes. Still I don't know what these expenses were for. Therefore I shall vote "no" until further advised.

Mr. PASSAGE: I was with this committee, and we were dining and were treated royally. And so far as I know none of us misused a meal or paid a cent; so I vote "no."

Mr. WILSON: I have just been informed that this committee was at some expense. If, as intimated, they had free whisky, it was worth \$20 to drink it; if they refused, it was worth \$20 to resist the temptation. The vote was then announced as above.

So the report of the committee was rejected.

On motion of Mr. GORDON, Mrs. Carrie McChesney, clerk of the committee, was allowed \$20 for services.

STATE HOUSE FUNDS.

Mr. REEVES offered a resolution, which was adopted, that the Speaker appoint a committee of three to inquire into the condition of the State-house funds and report to the House to-morrow.

The SPEAKER appointed Messrs. Reeves, Mock and Tinselman.

CLAIMS AGAINST THE STATE.

Mr. MOODY offered a resolution that the Speaker appoint a special committee of three to investigate the bill for a Court of Claims.

On motion of Mr. GOODING the resolution was amended so that the matter be referred to the Judiciary Committee.

The resolution was amended as adopted.

CLAIM OF THE STATE LIBRARIAN.

Mr. McMULLEN offered a concurrent resolution (H. R. 13) that the State Librarian be allowed \$43 for fixing the legislative halls for the present session.

The resolution was referred to the Committee on Mileage and Accounts.

KNIGHTSTOWN INVESTIGATION EXPENSES.

Mr. CRECELIOUS, from the Committee on Accounts, reported the expenses of the Knightstown investigation, and recommended allowances therefor.

On motion the account was returned to the committee for incorporation in a concurrent resolution.

Mr. WILLIAMS offered a concurrent resolution (H. R. 14) allowing the members of the Investigating Committee extra pay.

The resolution was referred to the Committee on Mileage and Accounts.

LEGISLATIVE APPOINTMENT.

The Senate amendments to Mr. Patten's bill (H. R. 243) to fix the number of Representatives and Senators in Indiana being read—

Mr. WILLIAMS moved that the amendment be concurred in and demanded the previous question.

The House seconded the demand and under its operations the Senate amendments were concurred in by yeas 38, nays 36.

Mr. STALEY explained his vote said: I will state that day after day we have voted to go on with this call of bills on third reading; and now that this thing comes up, I vote "no."

Mr. COPELAND: Believing that the amendments offered by the Senate will leave this the most odious, unjust and subversive bill acted upon in the Indiana Legislature, and believing its every part to be revolutionary—to be infamous; and believing further, that the adoption of the amendments would be a crime.

Mr. HARRELL: About this hour of the day that party which has long controlled this Government goes out of power; and if this measure is a help to the party coming in I shall be happy; therefore I vote "aye."

Mr. OSBORN: If I were to speak of this whole scheme I would speak of it in a modification of the inspired writer who referred to wickedness in high places; but I denounce it as a "pure cussedness in high places."

Mr. SEARS: I shall not now make my farewell address. I must go to a future time, but believing this measure an unfair one, though we might take our medicine without kicking, yet I say that if the tide turns come up to us to hold the black flag and show no quarters. I vote "no."

Mr. SMITH, of Tippecanoe: At the door of the people of Tippecanoe County no charge of unfair elections has ever been laid. But still you rob us of our representative, while other and smaller counties are given a greater representation. It is pure steal. That is plain English and pure Anglo-Saxon. I would like to be true to my constituents if I did lift up my voice against the infamous outrage upon the people. We are made unequal two to one on this floor in the future. I enter my protest, and wish it my "no."

Mr. SMITH, of Warrick: As this is the day when the Republican party goes out of power, and hoping that it will never return again, I vote "no."

Mr. WILSON: Because of its unfairness and infamy, and because of the dignity and persistence of the Speaker in refusing to recognize members who had the floor, I vote "no."

Mr. WILLIAMS: I move that the words be taken down.

The SPEAKER: No, no. Proceed with the roll call.

The vote was then announced as above.

So the amendment was concurred in.

THE CONGRESSIONAL APPOINTMENT.

The Senate amendments to Mr. PATTEN'S

bill (H. R. 422) to redistrict the State for Congressional purposes being read—

Mr. WILLIAMS moved that the amendment be concurred in, and demanded the previous question.

The House seconded the demand, and the Senate amendments were concurred in by yeas 58, nays 37.

Mr. GOODING, explaining his vote, said that though the assignment of Rush County was objectionable to him, he would, all things considered, vote "aye."

Mr. GORDON would vote "aye," because he knew of nothing in the State Constitution providing that an equal number of Republicans should be in this body; or, for that matter, any Republican; and, further, it was as fair as the Republicans made.

Mr. LOYD: I explain my vote for the reason that before I voted against the bill, I now vote for it, because the objectionable features have been removed by the Senate amendments, chief among which objections was that Rush County was tacked on to my district. I vote "aye."

Mr. SMITH, of Tippecanoe: By these amendments my district is made certainly Republican beyond all contingencies save another gerrymander; still the bill is unfair to my neighbors, and I vote "no."

Mr. STALEY: When this bill came up I voted for it because it was party action—it was caucus action. But coming from the Senate amendment it ceases to be caucus action. All these changes have been made at the expense of the Democrats of the Ninth District. We had 900 majority to overcome in our district, and for our success this is the reward. In this the members have not been true to us and had this been known this bill would never have left this House with the vote.

Mr. TAYLOR: As I stated when this bill first came up, I have no apology to offer for my support of it. I like the spirit of my friend from Vermilion (Mr. Sears), who talks of the old flag and no quarters. We have up our old flag now, and are pouring hot shot into the enemy. I shall vote "aye."

Mr. TOWNSEND: The man who puts on the armor should not boast of himself, but the man who puts it off. For the reason of its injustice I vote "no."

Mr. TWISDALE: This is not wholly a party question. I represent both Republicans and Democrats. One party in the House has a temporary majority, but the matter is in the hands of the voters. I shall never lift my voice and lend my aid to any measure to disfranchise a single voter. I vote "no."

Mr. VICKERY: Because of its unfairness to the Ninth District I vote "no."

The vote was then announced as above.

So the Senate amendments were concurred in.

Mr. SMITH, of Tippecanoe, raised the question that the bill should be again passed by 51 yeas as amended.

The SPEAKER ruled that the bill was disposed of.

PRESIDENT AND VICE PRESIDENT.

A concurrent resolution (S. 22) congratulating the President and Vice President-elect upon their accession to office was adopted, and the Governor requested to transmit the same to the officials.

Mr. SMITH, of Tippecanoe moved to take up the Senate resolution of thanks to Congress for placing General Grant on the retired list.

Mr. BROWNING: I object.

The House took a recess for dinner.

AFTERNOON SESSION.

The SPEAKER: Bills on the third reading are now the order.

BRIDGE LAWS.

On motion by Mr. McMULLEN another vote was taken on Mr. Harrell's bill (H. R. 20) authorizing County Commissioners to construct bridges in place of free gravel roads, and it was so agreed and the bill passed—yeas 51, nays 37.

COLLEGES AND REAL ESTATE.

Mr. STALEY's bill (H. R. 400) authorizing universities and colleges to acquire real estate was read the third time.

Mr. STALEY said that Wabash College at Crawfordsville and DePauw University at Greencastle were about to come into possession of the lands and their charters would permit them to hold such.

The bill passed—yeas 60, nays 8.

Mr. BROWNING: I vote against this because I am opposed to large corporations holding large tracts of real estate.

Mr. GOODING: For the same reason as being by the retention from Grant (Mr. Brownlee) I vote "no."

COURT CIRCUIT.

The bill (S. 74) concerning the time of holding court in the 25th and 26th Judicial Circuits was read the third time and passed—yeas 70, nays 11.

THE APPOINTMENT BILL.

Mr. FISHER called up on the call of counties the bill (H. R. 479) making general appropriations for the State.

Mr. FISHER moved that the House resolve itself into a Committee of the Whole for the consideration of the bill.

The motion was rejected by yeas 42, nays 50.

Mr. BROWNING, when his name was called, said that this was snap judgment, but he supposed he would have to vote for it. He voted "aye."

Mr. DITTMORE in explanation of his vote, said that as he opposed it for its injustice, he would so continue.

Mr. MOODY: I was one of those who voted against it. The Speaker has ruled that any member may come up with a bill at any time, and as the gentleman from Dabbs (Mr. Fisher) has called for this bill I vote "aye."

Mr. MURPHY: To be consistent I vote "no."

Mr. PASSAGE: Understanding that our argument refers only to bills on second reading I vote "no."

Mr. PATTEN: I do not think we should insist on our local measures in preference to one as important as the Appropriation bill. I vote "aye."

Mr. SMITH, of Tippecanoe: We are getting in a close place here. I want the Appropriation bill to pass, but I can not see that this bill should come in here. To vote "aye" would be to sacrifice my agreement and my honor. I vote "no."

So the motion to go into the Committee of the Whole was rejected.